

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ALBERT MARQUAVIOUS LAMAR)
ANDERSON,)

Plaintiff,)

v.)

1:23CV974

NOVANT HEALTH, *et al.*,)

Defendants.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on November 30, 2023, was served on the parties in this action. (ECF Nos. 4, 5.) Plaintiff filed objections to the Magistrate Judge's Recommendation. (*See* ECF No. 8.) The Court has appropriately reviewed the Magistrate Judge's Recommendation and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation.* The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is **DISMISSED** *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Magistrate Judge's Recommendation.

* Plaintiff filed an Application to Proceed IFP, (ECF No. 7), which resolved one of the defects noted in the Recommendation. However, the second defect remains, thus requiring dismissal of this action.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 20th day of December 2023.

/s/ Loretta C. Biggs
United States District Judge